
THIRD READING

Bill No: SB 1276
Author: Rubio (D)
Introduced: 2/20/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/14/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Crimes: sexual exploitation of a child

SOURCE: Los Angeles City Attorney Hydee Feldstein Soto

DIGEST: This bill expands the crime of sexual exploitation of a child to include downloading, streaming, or accessing through electronic or digital media specified depictions of a minor engaged in an act of sexual conduct, and broadens the definition of “sexual exploitation” for the purposes of the Child Abuse and Neglect Reporting Act (CANRA) to include digitally altered or artificial-intelligence generated matter depicting a minor engaged in an act of sexual conduct, as specified.

ANALYSIS:

Existing law:

- 1) Prohibits, except as provided, the act of knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state any representation of information, data, or image, including, but not limited to specified media, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or to exhibit to, or to exchange with,

- others, or offering to distribute, distributing, or exhibiting to, or exchanging with, others, any obscene matter, knowing that the matter depicts a person under 18 years of age, or contains digitally altered or artificial-intelligence-generated data depicting what appears to be a person under 18 years of age, engaging in or simulating sexual conduct, as defined, punishable as a wobbler. (Penal (Pen.) Code, § 311.1, subdivision (subd.) (a).)
- 2) Prohibits the act of knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state, with intent to distribute or exhibit to others, or offering to distribute, distributing, exhibiting to others any obscene matter, punishable as a misdemeanor. (Pen. Code, § 311.2, subd. (a).)
 - 3) Provides that every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or image, including specified media that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or to exhibit to, or to exchange with, others for commercial consideration, or who offers to distribute, distributes, or exhibits to, or exchanges with, others for commercial consideration, any obscene matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct or that it contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct is guilty of a felony. (Pen. Code, § 311.2, subd. (b).)
 - 4) Provides that every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or image, including specified media or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or exhibit to, or to exchange with, a person 18 years of age or older, or who offers to distribute, distributes, or exhibits to, or exchanges with, a person 18 years of age or older any matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age

engaging in such conduct, shall be guilty of a crime, punishable as a wobbler. (Pen. Code, § 311.2, subd. (c).)

- 5) Prohibits knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state any representation of information, data, or image, including specified media or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or exhibit to, or to exchange with, a person under 18 years of age, or offering to distribute, distributing, or exhibiting to, or exchanging with, a person under 18 years of age any matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct, punishable as a felony. (Pen. Code, § 311.2, subd. (d).)
- 6) Provides that every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor under 18 years of age, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under 18 years of age, or any parent or guardian of a minor under 18 years of age who is under their control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including specified media or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, digitally altered or artificial-intelligence-generated matter, or live performance, involving sexual conduct by a minor under 18 years of age alone or with other persons or animals, is guilty of a felony. (Pen. Code, § 311.4, subd. (c).)
- 7) Provides that a person is guilty of sexual exploitation of a child if that person knowingly develops, duplicates, prints, or exchanges any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM (Compact Disc Read-Only Memory), or computer-generated equipment or any other computer-generated image that contains or incorporates in any

- manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct, punishable as a misdemeanor for a first offense and as a felony for any second or subsequent offense. (Pen. Code, § 311.3, subd. (a).)
- 8) Specifies that it is not necessary to prove that the matter is obscene in order to establish the violation above. (Pen. Code, § 311.3, subd. (b).)
 - 9) Provides that the crime of sexual exploitation of a child does not apply to law enforcement and prosecution agencies, to legitimate medical, scientific, or education activities, or to lawful conduct between spouses. (Pen. Code, § 311.3, subd. (d).)
 - 10) For the purposes of the crime of sexual exploitation of a child, defines “sexual conduct” as any of several enumerated sexual acts. (Pen. Code, § 311.3, subd. (c).)
 - 11) Establishes the Child Abuse and Neglect Reporting Act (CANRA) which is generally intended to protect children from abuse and neglect with a focus on the needs of the victim. (Pen. Code, § 11164.)
 - 12) Defines “neglect” under CANRA as the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare. The term includes both acts and omissions on the part of the responsible person. (Pen. Code, § 11165.2)
 - 13) Defines “severe neglect” under CANRA as the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. “Severe neglect” also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as specified, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (Pen. Code, § 11165.2, subd. (a).)
 - 14) Defines “child abuse or neglect” under CANRA to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child as defined, and unlawful corporal punishment or injury. “Child abuse or neglect” does not include a mutual affair between minors. “Child abuse or neglect” does not

include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Pen. Code, § 11165.6.)

- 15) Requires any mandated reporter who has knowledge of or observes a child, their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse or neglect, to report it as specified, to any police or sheriff's department, a county probation department if designated by the county to receive mandated reports, or the county welfare department. (Pen. Code, §§ 11166, subd. (a), 11165.9.)
- 16) For the purposes of CANRA, specifies that "sexual abuse" means sexual assault or sexual exploitation as defined by the following:
 - a) "Sexual assault" means illegal sexual conduct as defined in several specified sections of the Penal Code, including provisions criminalizing rape, statutory rape, rape in concert, incest, sodomy, oral copulation, lewd or lascivious acts upon a child, sexual penetration, or child molestation, as specified.
 - b) "Sexual exploitation" refers to the following:
 - i. Conduct involving matter depicting a minor engaged in obscene acts in violation of the existing prohibition against preparing, selling or distributing obscene matter (Pen. Code, § 311.2) or against the employment of a minor to perform obscene acts (Pen. Code, § 311.4).
 - ii. A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this provision, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.
 - iii. A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic

or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except as provided. (Pen. Code, § 11165.1.)

This bill:

- 1) Expands the crime of sexual exploitation of a child to apply to anyone who downloads, streams, or accesses through electronic or digital media any representation of information, data, or image, as specified above, that depicts a person under 18 years of age engaged in an act of sexual conduct.
- 2) Specifies that the crime of sexual exploitation of a child does not apply to a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.
- 3) Expands the definition of “sexual exploitation” for the purposes of CANRA to include a person who depicts a child in , or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges digitally altered or artificial-intelligence- generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct.

Comments

California law includes a robust statutory scheme prohibiting the creation, possession, and transfer of obscene matter and child pornography. Among these laws is the crime of sexual exploitation of a child (Pen. Code, § 311.3), which was added to the existing statutory scheme in 1981 to target individuals who contribute to the proliferation of child pornography. Section 311.3 specifically prohibits the knowing development, duplication, printing or exchanging of any representation of information, data or image that depicts a person under 18 years of age engaged in an act of sexual conduct.

Under Section 311.3, a violation of the proscribed conduct is punishable as an aggravated misdemeanor by one year in county or a fine of \$2,000 or both, and as a state prison felony if the person was previously convicted of a crime involving obscene matter. Other provisions include a definition of “sexual conduct” for the purposes of the statute, and several narrow exceptions to liability for specified entities and conduct, including for matter that is unsolicited and is received without knowledge or consent through a facility, system, or network over which the person or entity has no control. It should be noted that a conviction under section 311.3 requires sex offender registration.

This bill expands the scope of conduct rendering one liable for the crime of sexual exploitation of a child to include knowingly downloading, streaming or accessing through electronic or digital media, any of the content listed in section 311.3.

Notably, this addition harmonizes the conduct constituting sexual exploitation of a child with that described in the definition of that crime that is used in CANRA, which was amended in 2014 to include downloading, streaming or accessing prohibited content through electronic or digital media. The bill additionally creates an exemption to the crime of sexual exploitation of a minor for a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.

CANRA was enacted in 1980 for the purpose of protecting children from abuse and neglect, which it seeks to accomplish via a comprehensive reporting scheme aimed toward increasing the likelihood that child abuse victims will be identified. CANRA requires persons in positions where abuse is likely to be detected – known as “mandated reporters” – to promptly report all suspected and known instances of child abuse and neglect to the relevant authorities, and identifies nearly 50 separate categories of mandated reporters, including teachers, school employees, doctors, athletic coaches, police officers, firefighters, social workers, and persons whose duties require direct contact with and supervision of minors, among many others. A mandated reporter must make a report when they have knowledge of or observe a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

For the purposes of CANRA, “child abuse or neglect” is defined to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined, and unlawful corporal punishment or injury as defined. CANRA defines “sexual abuse” broadly, both by reference to existing crimes and by establishing definitions for “sexual assault” and “sexual exploitation,” both of which fall under the ambit of “sexual abuse.”

This bill modifies the definitional provision in the third bullet point immediately above to harmonize it with the definition of sexual exploitation in section 311.3. Specifically, the bill adds “digitally altered or artificial-intelligence-generated matter” to the list of media depicting a person under 18, and strikes the term “obscene” in favor of defining sexual conduct in reference to the definition of that term in section 311.3. The practical effect of this modification is that because mandated reporters must report all instances of sexual exploitation, and the reporting requirement is triggered by the nature of the material or conduct and not

the ability to identify a specific victim or perpetrator, the bill requires mandated reporters to report any knowledge or reasonable suspicion of digitally altered or artificial-intelligence generated matter that depicts a person under 18 engaged in sexual conduct.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Cost pressures to the courts to adjudicate charges pertaining to AI-generated child sexual abuse material (CSAM), possibly in the hundreds of thousands of dollars annually. Actual costs will depend on the number of charges filed and the amount of time needed to adjudicate each case. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The Governor's 2026-27 budget proposes \$70 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund.

Costs to the counties and the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people convicted of CSAM offenses through AI-generated content. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail ranges up to \$80,000. The average annual cost to incarcerate one person in state prison is \$138,000 for 2026-27 (local funds, General Fund).

In 2023, CDCR admitted more than 100 people to state prison whose principal offense was one of the crimes affected by this bill. If 10 to 20 additional people are admitted to CDCR for AI-generated CSAM offenses, CDCR will incur incarceration costs of \$1,380,000 to \$2,760,000 annually for each year of their incarceration, collectively.

SUPPORT: (Verified 5/14/26)

Los Angeles City Attorney Hydee Feldstein Soto (Source)
American Association of University Women - California
California District Attorneys Association
California Family Resource Association

California State Sheriffs' Association
California Teachers Association
Child Abuse Prevention Center and its affiliates
City of Sunnyvale
Sistahfriends
Strength United
The California Baptist Capitol Ministry

OPPOSITION: (Verified 5/14/26)

California Attorneys for Criminal Justice

Prepared by: Alex Barnett / PUB. S. /
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